United Nations A/55/283

General Assembly

Distr.: General
8 August 2000

Original: English

Fifty-fifth session
Item 116 (b) of the provisional agenda*
Human rights questions: human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms

The right to development

Report of the Secretary-General**

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* A/55/150.

** In accordance with General Assembly resolution 54/248, section C, paragraph 1, this report is being submitted on 25 July 2000 so as to include as much updated information as possible.

00-60244 (E) 070900

I. Introduction

1. In its resolution 54/175 entitled "The right to development", the General Assembly requested the Secretary-General to submit to it at its fifty-fifth session a comprehensive report on the right to development, including obstacles identified in the realization of the right.

2. On 30 May 2000, the Office of the High Commissioner for Human Rights sent a note verbale to States and relevant international organizations requesting information in response to the General Assembly resolution. By 24 July 2000, responses had been received from Cuba, Iran, Lebanon, Portugal and the United Nations Development Programme (UNDP).

II. Replies from Governments

Cuba

[Original: Spanish]

3. The Government of Cuba noted its concern at the slow progress in the fulfilment of the mandate of the Open-ended Working Group on the Right to Development. In the opinion of the Government of Cuba, the failure of the Working Group to meet stems from a lack of political will on behalf of developed countries.

4. The reply then notes several obstacles to the effective implementation and operation of the Declaration on the Right to Development (the Declaration). First, in spite of the affirmation in the Vienna Declaration that the right to development, as set out in the Declaration, is a universal and inalienable right, some developed countries have tried to question the existence of the right or reformulate the content of the right, including the definition of the beneficiaries of the right. The Government of Cuba stresses that the right to development is a right claimable by individuals as well as by peoples. Both national Governments and the international community have the responsibility of realizing the right. International cooperation in the realization of the right to development is an inherent right of the peoples of the South.

5. Cuba notes the following further obstacles to the realization of the right to development at the national level:

(a) A failure of political will among some Governments to attend to the needs of significant sections of the population that have been marginalized through poverty, illiteracy, malnutrition etc.;

(b) A failure to assign sufficient resources for policies and programmes designed to realize the potential of human capital and material infrastructure needed for development;

(c) A lack of political participation in decision-making concerning political, economic and social processes at the national level;

(d) Limitations on the capacity of States to act as economic agents and to redistribute national wealth. These limitations are due to the processes of privatization and restructuring of public organizations imposed by neo-liberal policies. This question is particularly relevant to the supply of basic services on the part of the State.

6. Cuba notes the following obstacles at the international level:

(a) The outflow of capital from southern countries as a result of the external debt servicing;

(b) The increase of unequal conditions of trade between developed and developing countries. Prices for basic products have gone beyond minimum levels. Southern countries that are net importers of combustible fuels have had to confront rising petrol prices over the past year which has aggravated existing disparities in levels of development;

(c) The deplorable action of transnational corporations which, as a result of neo-liberal globalization, monopolize principal international markets, imposing their prices while remaining practically exempt from paying any form of tax;

(d) The decrease in official development assistance and the increase in conditions attached to financial assistance imposed by donor countries, which has acted to the detriment of the capacity of the Governments of the South to determine their own priorities and programmes for development;

(e) The imposition of non-tariff barriers to trade imposed by industrialized countries which have blocked the market access of developing country exports;

(f) The monopolistic control resulting from the grant of patents over technology by northern countries and their transnational corporations, and the imposition of numerous barriers to the transfer of technology and knowledge;

(g) The application by the North of policies to promote the "brain drain" from southern countries, which obstruct programmes in the South that promote the development of human capital in developing countries.

7. The obstacles listed above are in no way meant to indicate an exhaustive list of the obstacles to the realization of the right to development. However, they do indicate some of the areas that need urgent action on behalf of the international community which is relevant to the full realization of the right to development.

8. The Government of Cuba expressed its confidence that human solidarity and social justice would succeed over the unjust and selfish policies that serve as the pillars of the current international order, aggravated as they are by the neo-liberal theories typical of globalization.

9. Recent developments of the Havana Summit have resulted in some modest support for South/South cooperation and the promotion of the full realization of the right to development in the region. The agreement for South/South cooperation provides a model for similar improvements in North/South cooperation.

10. In the opinion of Cuba, the future of all depends in large part in finding solutions to the main problems facing humanity today, in particular, the eradication of poverty and the full realization of the right to development.

11. Cuba reiterates its willingness to participate actively in the Open-ended Working Group on the Right to Development and hopes that the Working Group will take a significant step in assisting the implementation of one of the most important human rights. In the opinion of the Government of Cuba, the right to development has unfortunately not received on behalf of the United Nations the priority, in the context of other human rights, that it merits.

Islamic Republic of Iran

[Original: English]

12. The Islamic Republic of Iran continues to believe that the right to development is a subject that must bring countries of the North and the South together, not divide them. However, in order to achieve this, the countries of the North must show more sensitivity to the needs of development and recognize that they have an obligation to assist the process of development as well as facilitate the eradication of poverty.

13. Yet many countries in the North have still to implement the Declaration. Iran recalls the Vienna Declaration and Programme of Action which emphasised that all human rights should be treated equally and with the same emphasis. Nonetheless, it is a bitter fact that economic, social and cultural rights, as well as the right to development, have not received the same, consistent and programmed support as civil and political rights.

14. Iran is of the opinion that certain rules and regulations which currently govern international trade relations may provide an obstacle to the full realization of the goals and principles enshrined in the Declaration. Iran believes that consultations and review of these rules and regulations should continue. In this regard, Iran welcomes the high priority assigned by the United Nations High Commissioner for Human Rights to activities related to the right to development as well as the efforts undertaken by the Independent Expert and the Working Group on the Right to Development. Iran also welcomes efforts to make documentation on the right to development available.

15. Iran wishes to draw the attention of the Working Group on the Right to Development and of developmental agencies to the issue of nuclear energy. Iran believes that nuclear energy has various peaceful applications in industry, medicines, agriculture and energy production and either directly or indirectly is bound to have bearings on the process of a country's development. According to the Government of Iran, free access to nuclear materials and technology for peaceful use of nuclear energy is guaranteed under international law. In spite of this, Iran claims that many barriers have been created to prevent its enjoyment of these rights under international law. Iran believes that such barriers provide an obstacle to the realization of the right to development.

16. Iran identifies some of the other obstacles to the implementation and realization of the right to development, as follows:

(a) The most important obstacles to the realization of the right to development result from the consequences of the implementation of international economic policies. Such policies have aggravated the gap between developed and developing countries, between the poor and the rich, and have resulted in widening differences in trade balances, the imposition of sanctions and structural adjustment programmes, a lack of technology transfer, and finally foreign debt;

(b) Another obstacle to the realization of the right to development is the effect of globalization;

(c) Obstacles to the realization of the right exist within the United Nations system, which has hampered progress in the international arena. There is a need for specific and closer coordination within the different United Nations agencies in promoting a rights-based approach to development. There is also a need for considerable transparency in the functioning of United Nations agencies.

17. The realization of the right to development depends, in part, on the awareness of rights on the part of States, international and national organizations, communities, and the various sectors and groups that constitute civil society. The Government of Iran therefore calls for the wide dissemination and promotion of the Declaration on the Right to Development and of the relevant international treaties, with a view to enhancing peoples' awareness of their rights.

Lebanon

[Original: English]

18. The Ministry of Social Affairs is endeavouring to ensure respect for the right to development. The Ministry emphasizes that, since it regards the human person as the central subject of development, the aim of its social policy is to eliminate all the obstacles that are impeding the course of development. The Ministry's main objectives are to achieve sustainable development to meet the needs of the population and overcome the problems of families in the following fields:

(a) The promotion of the role of women, through the formulation of development plans designed to help families economically by encouraging handicrafts and implementing production projects, especially in the agricultural sector;

(b) The promotion of welfare of marginalized categories, such as disabled persons, orphans, widows and people facing difficult social circumstances, by providing them with rehabilitation and vocational training so that they can become active members of society;

(c) The improvement of the situation of delinquents, including beggars, vagrants, street children, detainees, prisoners etc., and endeavours to combat the use of narcotic drugs and intoxicating beverages;

(d) The promotion of the role of young persons in voluntary work designed to further the development of local communities by encouraging social, cultural, sports and media clubs and helping them to become focal points capable of contributing to the development process;

(e) The stimulation of local community awareness and identification of local leaders so that they can be organized and trained to take part in the determination and satisfaction of needs, thereby helping to promote and implement the right to development.

Portugal

[Original: English]

19. The Government of Portugal has undertaken several initiatives at the national and international level which are relevant to the implementation of the right to development.

20. At the national level, an important measure was the adoption, in 1999, of Decree-Law 132/99 which updates and renews the framework legislation for employment policy. The underlying principles of employment policy under the decree are:

(a) The integration of economic and social policies;

(b) The shared responsibilities of the State, social partners and organizations representing citizens and citizens themselves;

(c) Universal access, without distinction of age, sex, race or citizenship, place of origin, religion or belief;

(d) The promotion of cohesion and the fight against poverty and exclusion;

(e) The access to professional training at the beginning and throughout professional life;

(f) The promotion and creation of employment.

21. Portugal has continued the implementation of the Minimum Guaranteed Income (MGI), created by a 1996 Law No. 19-A/96. The MGI has the aim of ensuring resources to individuals and families, with a view to satisfying their minimum needs and favouring their progressive social and professional integration. The target groups of the MGI are those persons and their families who have legal residence in Portugal, are above the age of 18 years, whose income is situated below the value of the social pension, and who are living in a situation of economic precariousness or in risk of social exclusion. Since 1 July 1997, this measure constitutes a right for all citizens fulfilling the conditions of access, ensuring them a pecuniary payment, and a programme of social integration.

22. Portugal also promotes social integration through its programme Economic and Social Integration of Underprivileged Social Groups (INTEGRAR). INTEGRAR is directed to the whole national territory and is aimed at promoting the economic and social integration of the most underprivileged groups of the population. It specifically comprises measures of support for social development, economic and social integration of people who have been unemployed over a long period, and the disabled. It also deals with the construction and adaptation of supporting facilities for these groups.

23. Portugal believes that international cooperation is one of the most important aspects of its foreign policy. It focuses such cooperation on promoting solidarity and peace, promoting and consolidating democratic institutions, the rule of law, respect for human rights and fundamental freedoms, sustainable economic development and the preservation of the environment.

24. Portuguese international cooperation is geared towards the Portuguese-speaking African countries. Activities are undertaken both bilaterally and multilaterally, specifically in the following areas:

(a) Support for educational and training systems;

(b) Support to the health sector;

(c) Institutional cooperation, through training and technical assistance, with a view to reinforcing the rule of law and good governance, and the efficiency and transparency of the administration;

(d) Promotion of cooperation with enterprises and support to the development of the private sector;

(e) Support for the transformation and restructuring of the juridical systems and technical and legal support to the members of the legal profession — namely, judges and public prosecutors.

25. Recently, programmes have been established for the expansion of health systems to combat malaria and HIV/AIDS, the conservation and recuperation of historic heritage, the extension of Portuguese schools in Angola and Guinea, the rehabilitation and reintegration of demobilized combatants and for intermunicipal cooperation.

III. Replies from international organizations

United Nations Development Programme

26. The United Nations Development Programme (UNDP) has always seen its activities for the promotion and protection of sustainable human development as a contribution to the realization of the right to development. However, it was only following the Secretary-General's United Nations reform and call for the integration of human rights into all United Nations agencies and programmes that UNDP took steps to define explicitly its role and outlined areas to support further the promotion of the realization of human rights, in particular the right to development.

27. The first significant step was taken in 1998 with the publication of a policy on human rights called *Integrating Human Rights with Sustainable Human Development*. The policy explains how UNDP's paradigm on sustainable human development and human rights are inextricably linked, complementary and multidimensional, and how the right to

development is one of particular importance to UNDP's mandate.

28. The policy was followed by the signing of a Memorandum of Understanding between UNDP and the OHCHR, which dedicates the first section of its annex to joint efforts concerning the right to development. Several practical steps have been taken and activities are ongoing to implement this commitment.

29. One such effort is the provision of substantive input and comments to the study of the Independent Expert on the Right to Development. UNDP also follows the discussion of the Open-ended Working Group on the Right to Development and has made presentations in other meetings concerning the right to development.

30. Another area of support for the right to development is UNDP's effort to develop in-house capacity in human rights and sustainable human development through training. During 1999, four regional training workshops were organized for UNDP resident representatives/resident coordinators and respective governmental officials for the Asia/Pacific region, the West and Central African region, the East and Southern African region, and the Eastern Europe and CIS region. Modules of all training sessions were dedicated to understanding the right to development.

31. UNDP has also contributed to the United Nations Development Group's (UNDG) training module on the right to development, which was developed in the Group on the Right to Development.

32. A comprehensive training module on human rights for UNDP staff is being developed. It is expected to be finalized in 2000 and will include background material and exercises for working groups on the right to development.

33. In 1999, UNDP, in collaboration with the Arab Organization for Human Rights and the United Nations High Commissioner, held a seminar on human rights and development in Cairo. The seminar adopted an agenda for the realization of the right to development in the Arab States. UNDP is involved in joint efforts to implement the agenda.

34. The joint UNDP/OHCHR human rights strengthening programme, HURIST, is a global initiative to support selected UNDP country offices pilot exercises in integrating human rights dimensions, including the right to development, in the focus areas of UNDP's development programmes.

35. In August 1999, UNDP published a survey of UNDP activities in human rights. One of the challenges in mapping the activities was to define which of them could support a particular right, since the projects were normally not designed consciously in support of the realization of human rights.

United Nations A/55/284

General Assembly

Distr.: General
10 August 2000

Original: English

Fifty-fifth session
Item 14 of the provisional agenda*
Report of the International Atomic Energy Agency

Report of the International Atomic Energy Agency

Note by the Secretary-General

1. The forty-fourth report of the International Atomic Energy Agency for the calendar year 1999 (GC(44)/4) is submitted herewith to the General Assembly. Major developments since this report was published will be covered by the annual statement of the Director General of the Agency to the General Assembly. This report has been transmitted in accordance with the provisions of article III, paragraph 1 (a), of the Agreement governing the relationship between the United Nations and the International Atomic Energy Agency (General Assembly resolution 1145 (XII), annex).

2. As only a limited number of copies of this report are available, it has not been possible to make a full distribution. Delegations are therefore requested to have the copies transmitted to them available during discussion of this item.

* A/55/150.

00-60417 (E) 300800